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Facsimile Transmittal

APR 21 2004

To: Dianne E. Maggard, BPAI, US PTO
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To: Central FAX, US PTO
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From: Paul M. Booth
Telephone: (202) 912-2197
Direct Fax:

No. of Pages: 8 (including cover)
Date: April 21, 2004

41058.0001 (4868)

Message:

Re: U.S. Patent Application No. 09/200,791
Filed: 30 November 1998
Appeal No.: 2004-0878
For: *METHODS FOR REDUCED RENAL UPTAKE
OF PROTEIN CONJUGATES*
Applicant(s): Behr et al.
Our Reference: 41058- US (formerly 18734-161)

Document:
4/21/04 7:14 PM ()

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Heller Ehrman White & McAuliffe LLP www.hewm.com

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PAGE 1/8 * RCVD AT 4/21/2004 7:35:37 PM [Eastern Daylight Time] * SVR:USPTO-EFAX-1/2 * DNIS:8729306 * CSID:2029122020 * DURATION (mm-ss):04-22

18734-161

PATENT/OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re Application of : Appeal No.: 2004-0878

Behr et al. :

Serial No. 09/200,791 :

Filed: 30 November 1998 :

Group Art Unit: 1642

Examiner: Larry Helms

**RECEIVED
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For: METHODS FOR REDUCED RENAL UPTAKE OF PROTEIN CONJUGATES

LETTER

Commissioner for Patents
M/S BPAI
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants wish to confirm attendance at the Hearing scheduled for June 22, 2004 for the captioned application. Set forth below is an explanation as to why this confirmation is being made after the 21 day period for response set forth in the Notice of Hearing, mailed March 15, 2004.

The Notice of Hearing (appended hereto as Exhibit A) was mailed to applicants' previous legal representatives, Foley and Lardner, and was received on March 16, 2004, as shown by the Foley and Lardner date stamp on the back of the Notice (appended hereto as Exhibit B). A reply was required within 21 days, i.e. by April 5, 2004. The Notice eventually was forwarded to applicants' current representatives, but was not received until April 8, 2004, as shown by the Heller Ehrman receipt date stamp on Exhibit B.

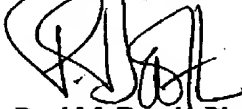
The undersigned telephoned Ms. Dianne Maggard on April 9, confirmed that applicants' representative wished to attend the Hearing, and explained the circumstances regarding why the confirmation was made more than 21 days after the mailing date of the Notice. Ms. Maggard requested that a written explanation for this delay (provided above), and a Power of Attorney to applicants be forwarded to the Board.

09/200,791

An executed Power of Attorney for this application is appended hereto as Exhibit C.

Respectfully submitted,

HELLER EHRMAN WHITE AND MCAULIFFE LLP



Paul M. Booth, Ph.D.
Reg. No. 40,244

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Suite #300
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TEL 202.912.2000
FAX 202.912.2020
Date: April 21, 2004
PMB/sgs: 18734-161
130249v1



United States Patent and Trademark Office

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, D.C. 20231 www.uspto.gov

Box 43

5015

Foley & Lardner
3000 K Street NW
Washington, DC 20007-5109

Appeal No:
Appellant:
Application No:
Hearing Room:
Hearing Docket:
Hearing Date:
Hearing Time:
Location:

Paper No: 0

2004-0878
Eve L. Frank
09/200,791
B
A
Tuesday, June 22, 2004
9:00 AM
Room 12C07
CRYSTAL GATEWAY 2
1225 Jefferson Davis Highway
Arlington, VA 22202

NOTICE OF HEARING

CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 1.194(a).

The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up.

The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED.

This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

Failure to file this form within this time period will be construed as a waiver of the request for oral hearing.

37 CFR § 1.136(a) does not apply.

By order of the Board of Patent Appeals and Interferences

BPAI HEARINGS FAX No:

(703) 308-6200

USPTO Central Fax No.

(703) 872-9306

BPAI Mailing Address:

BOARD OF PATENT APPEALS AND INTERFERENCES

UNITED PATENT AND TRADEMARK OFFICE

P.O. BOX 1450

ALEXANDRIA, VIRGINIA 22313-11450

Paralegal Specialist

Dianne E. Maggard

(703)-305-4673

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE:

☒ HEARING ATTENDANCE CONFIRMED

☐ HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant

April 21, 2004

Date

40,244

Registration No.

MAILED

MAR 15 2004

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

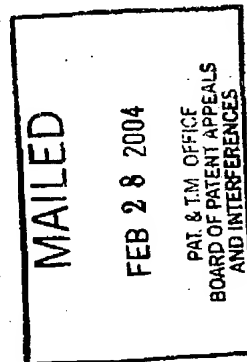
Exhibit A

**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

FOLEY & LARDNER
3000 K STREET N W
WASHINGTON, DC 20007-5109

Paper No:
Appeal No: 2004-0878
Appellant: BEHR, THOMAS M.
Application: 09/200,791



Board of Patent Appeals and Interferences Docketing Notice

Application 09/200,791 was received from the Technology Center at the Board on January 13, 2004 and has been assigned Appeal No: 2004-0878.

A review of the file indicates that the following documents have been filed by appellant:

Appeal Brief filed on: June 16, 2003
Reply Brief filed on: October 21, 2003
Request for Hearing filed on: October 21, 2003

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

**BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450**

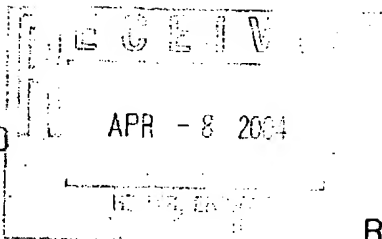
The facsimile number of the Board is 703-308-7952. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 703-308-9797 and should be directed to a Program and Resource Administrator.

By order of the Board of Patent Appeals and Interferences

Exhibit A

FOLEY & LADD
DOCUMENTS

2004 MAR 16 AM 11:30



SBM ELF
18734-161

REVIEWED BY

INITIALS

rpj

DATE

3/16/04

Inactive/Transferred



2004 MAR 16 PM 4:01

Exhibit B